

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SABRINA TAYLOR,

Defendant.

CASE NO. CR21-193RSM

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant Sabrina Taylor’s February 3, 2023, “Motion for Consideration and Motion to be Heard,” Dkt. #56. Ms. Taylor argues the Court “applied the incorrect standard when it remanded Ms. Taylor into custody after sentencing her to 27 months.” *Id.* at 1. At issue are the following words at the end of her sentencing hearing:

THE COURT: And, Counsel, while the Court has great difficulty and great skepticism of believing anything that this defendant says, she has indicated in the past several times suicidal ideation and threatened suicide as a way of getting money from her victims. The Court cannot take the risk; therefore, she’s remanded into custody today. The U.S. Marshals will take her from the courtroom. Thank you, all, very much.

MR. GEIST: Your Honor, may I be heard on that issue?

THE COURT: No, thank you, Mr. Geist. We’ll be at recess.

1 Dkt. #55 at 36:31–37:6. Ms. Taylor’s Motion cites that transcript portion and 18 U.S.C. §
2 3143(a)(1), which states, *inter alia*:

3 ...the judicial officer shall order that a person who has been found
4 guilty of an offense and who is awaiting... execution of sentence...
5 be detained, unless the judicial officer finds by clear and convincing
6 evidence that the person is not likely to flee or pose a danger to the
7 safety of *any other person* or the community if released under
section 3142(b) or (c). If the judicial officer makes such a finding,
such judicial officer shall order the release of the person in
accordance with section 3142(b) or (c).

8 Dkt. #56 at 4 (emphasis in Motion). From this she argues the Court erred in two ways—first, by
9 not allowing her an opportunity to be heard, and second by remanding her into custody for a risk
10 of suicide, despite § 3143(a)(1) only discussing “danger to the safety of *any other person*.” Dkt.
11 #56 at 1 (emphasis in original). Her Motion requests the following relief: “the Court should
12 convene the parties in court to hold a hearing on the issue of detention or self-reporting and set a
13 hearing date so Ms. Taylor is not removed from the Federal Detention Center.” *Id.* at 3. The
14 Motion concludes “[t]he Court failed to provide Ms. Taylor with a hearing on the issue of
15 remand.” *Id.* at 9.

17 This is clearly a motion for reconsideration. Ms. Taylor points out matters which she
18 believes were overlooked or misapprehended by the Court and seeks to modify the Court’s ruling.
19 Accordingly, it should have been noted for same day consideration and a response from the
20 Government is not required unless ordered by the Court. *See* LCR 12(b)(8); 12(b)(13)(C).

22 Motions for reconsideration are disfavored.” LCR 12(b)(13). “The court will ordinarily
23 deny such motions in the absence of a showing of manifest error in the prior ruling or a showing
24 of new facts or legal authority which could not have been brought to its attention earlier with
25 reasonable diligence.” *Id.* “The motion shall point out with specificity the matters which the
26 movant believes were overlooked or misapprehended by the court, any new matters being
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1 brought to the court's attention for the first time, and the particular modifications being sought
2 in the court's prior ruling." *Id.*

3 The Court has reviewed the Motion and Ms. Taylor's supplemental brief (Dkt. #57) and
4 finds no manifest error in its decision to remand her into custody. First, Ms. Taylor is simply
5 incorrect in saying the Court failed to provide her with a hearing. The issue of remand is
6 inherently part of every sentencing in federal court. In a case such as this, under §3143(a)(1),
7 the Defendant is to be remanded into custody by default unless the Court makes a finding that
8 the person is not likely to flee or pose a danger to the safety of any other person or the community
9 if released. This is always to be discussed at sentencing rather than at a separate hearing. The
10 red flag of suicide was present in the submitted materials and briefly mentioned by a victim at
11 the hearing. *See* Dkt. #55 at 12:3-12. Defense was free to speak up, as countless attorneys have
12 in the past, and argue for release instead of remand. Perhaps counsel assumed the Court would
13 not impose a custodial sentence and the issue was moot, given that he argued for probation in her
14 sentencing memorandum. In any event, defense did not attempt to raise the issue until after the
15 Court had ruled from the bench. Given the above, it cannot be said that Ms. Taylor was denied
16 a hearing or due process.

19 Even if the Court were to consider everything in the instant Motion it would not come to
20 a different conclusion. In this case, under these facts, Ms. Taylor's history of making threats of
21 self-harm and suicide demonstrates a likelihood to flee or pose a danger to the safety of the
22 community for purposes of § 3143(a)(1). *See, e.g., United States v. Drake*, 2021 U.S. Dist.
23 LEXIS 78878, *7 (D. Id. 2021) (citing *United States v. Cody*, 498 F.3d 582, 591 (6th Cir. 2007)
24 (recognizing it is "logical" to "treat suicide as a form of flight"); *United States v. Workman*, 680
25 Fed. App'x 699, 702 (10th Cir. 2017) (stating suicide is one way that a defendant can fail to
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1 appear for court)). The evidence that Ms. Taylor's mental health seems to be improving under
2 recent care is outweighed by her own significant history of dishonesty and manipulation,
3 including as to her health. The Court further notes that receiving a multi-year prison sentence,
4 after hoping for probation, could negatively affect the mental state of any defendant with this
5 record.

6 Accordingly, having reviewed the Motion, along with the remainder of the record, the
7 Court hereby finds and ORDERS that Defendant's Motion for Reconsideration, Dkt. #56, is
8 DENIED.
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10 DATED this 10th day of February, 2023.

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13 RICARDO S. MARTINEZ
14 UNITED STATES DISTRICT JUDGE
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